

SENATE BILL 1439

By Ketron

AN ACT to provide for recall elections for elected officials in  
Rutherford County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The voters of Rutherford County may remove a county officer elected or appointed to fill a vacancy from office by recall election in the manner provided in this act.

(a) No county officer shall be removed during the first one hundred eighty (180) days or the last one hundred eighty (180) days of the officer's term.

(b) A statement of the intention to obtain signatures for a recall petition, containing the reasons why removal is sought, must be filed with the county election commission prior to obtaining signatures of registered qualified voters. After the statement is filed with the county election commission, a notice of such filing must be published in a newspaper of general circulation by the county election commission on at least two (2) occasions.

(c) The recall petition containing the required number of registered qualified voters must be submitted to the county election commission not later than thirty (30) days following the date the statement required by subsection (b) is properly filed.

(d) A recall petition for a county-wide office must contain the signatures and addresses of registered qualified voters in number equal to fifteen percent (15%) of the registered qualified voters of the county.

(e) A recall petition for a district office must contain the signatures and addresses of registered qualified voters in number equal to fifteen percent (15%) of the registered qualified voters of the district from which the officer was elected.

(f) To each petition paper there shall be attached a sworn affidavit by the circulator of the petition stating the number of signatures on the petition, that each signature is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant.

(g) Such petition shall be filed with the county election commission, which shall, within fifteen (15) days, canvass the signatures on the petition to determine whether the petition contains the required number of signatures.

(h) A separate petition must be filed for each officer sought to be removed.

(i) The county election commission shall attach to a recall petition its certificate showing the result of the examination.

(j) If the county election commission's certificate shows that the petition is sufficient, the commission shall call an election on the question of recall. The county election commission shall hold the recall election within the time limits set in Tennessee Code Annotated, Section 2-3-204.

(k) In a recall election, the following question shall be presented to each qualified voter:

Shall \_\_\_\_\_ (name of officer) be recalled and removed from the office of \_\_\_\_\_ (name of office)? Yes or No.

(l) If a majority of the voters vote "no," the incumbent shall remain in office. If a majority of the voters vote "yes," the incumbent is deemed recalled and removed from office, and the office is declared vacant. Such vacancy shall be filled pursuant to Tennessee Code Annotated, Section 5-1-104(b).

(m) No more than one (1) election for the purpose of recall of a particular county officer shall be held in any six-month period.

(n) The methods of removal created under this act are cumulative and additional to the ouster provisions in Tennessee Code Annotated, Title 8, Chapter 47.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.